

PROOF

STATE OF IOWA

Senate Journal

MONDAY, FEBRUARY 3, 2014

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JOURNAL OF THE SENATE

TWENTY-SECOND CALENDAR DAY
THIRTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 3, 2014

The Senate met in regular session at 1:14 p.m., President Jochum presiding.

Prayer was offered by the Honorable Nancy J. Boettger, member of the Senate from Shelby County, Harlan, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Randy Tapia.

The Journal of Thursday, January 30, 2014, was approved.

INTRODUCTION OF GOVERNOR'S APPOINTEE

The Secretary of the Senate introduced Brad Buck, the governor's appointee to be the Director of the Department of Education. He was the guest of Senator Wilhelm and the committee on Education.

ADJOURNMENT

On motion of Senator Gronstal, the Senate adjourned at 1:39 p.m. until 9:00 a.m., Tuesday, February 4, 2014.

APPENDIX**COMMUNICATIONS RECEIVED**

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

AUDITOR OF STATE

Report for Review of Selected and General Application Controls over Vehicle Registration and Title System, pursuant to Iowa Code section 11.4. Report received on February 3, 2014.

DEPARTMENT OF HUMAN RIGHTS

Iowa Collaboration for Youth Development Council 2014 Annual Report, pursuant to Iowa Code section 216A.140(7)(g). Report received on January 31, 2014.

Sex Offender Research Council 2014 Report, pursuant to Iowa Code section 216A.139(5). Report received on January 31, 2014.

Twenty-year and Five-year Criminal and Juvenile Justice Plan FY 2013 Report, pursuant to Iowa Code section 216A.135. Report received on January 31, 2014.

DEPARTMENT OF MANAGEMENT

Standing Appropriations Report, pursuant to Iowa Code section 8.6(2). Report received on February 3, 2014.

DEPARTMENT OF PUBLIC HEALTH

Board of Medicine and Board Physician Assistants 2014 Joint Report, pursuant to Iowa Code section 148C.12. Report received on January 31, 2014.

National Center for Sports Safety-Municipal Youth Sports Injury Prevention Study and Report, pursuant to 2013 Iowa Acts, Chapter 138, section 108. Report received on February 3, 2014.

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Andrew McCulley, LeClaire – For his work with Big Brothers Big Sisters of the Mississippi Valley. Senator Hart.

REPORT OF COMMITTEE MEETING

EDUCATION

Convened: Monday, February 3, 2014, 2:35 p.m.

Members Present: Quirnbach, Chair; Beall, Behn, Boettger, Bowman, Dvorsky, Hart, Hogg, Johnson, Mathis, Sinclair, Wilhelm, and Zaun.

Members Absent: Schoenjahn, Vice Chair; and Ernst, Ranking Member (both excused).

Committee Business: [SF 2006](#); presentation.

Adjourned: 3:10 p.m.

INTRODUCTION OF BILLS

[Senate File 2091](#), by committee on Judiciary, a bill for an act relating to common forms of co-ownership of real property and including effective date and applicability provisions.

Read first time under Rule 28 and **placed on calendar**.

[Senate File 2092](#), by committee on Judiciary, a bill for an act relating to the criminal offense of fraudulent practice and making penalties applicable.

Read first time under Rule 28 and **placed on calendar**.

[Senate File 2093](#), by committee on Commerce, a bill for an act modifying provisions applicable to the recording of a mortgage or deed of trust executed by a transmitting utility.

Read first time under Rule 28 and **placed on calendar**.

[Senate File 2094](#), by Quirnbach, a bill for an act modifying provisions relating to the regulation of delayed deposit services businesses, providing penalties, and including effective date provisions.

Read first time under Rule 28 and referred to committee on **Commerce**.

[Senate File 2095](#), by committee on Judiciary, a bill for an act authorizing the placement of a child in group or family foster care pursuant to a consent decree entered in juvenile court.

Read first time under Rule 28 and **placed on calendar**.

[Senate File 2096](#), by Petersen, a bill for an act relating to limited English proficient education by modifying the supplementary weighting for limited English proficient students, requiring the establishment of a limited English proficient advisory group, requiring the creation of a committee within the department of education, modifying provisions relating to the special instruction of limited English proficient students, and including effective date provisions.

Read first time under Rule 28 and referred to committee on **Education**.

[Senate File 2097](#), by Petersen, a bill for an act relating to the safe routes to school program, making appropriations, and including effective date provisions.

Read first time under Rule 28 and referred to committee on **Appropriations**.

[Senate File 2098](#), by Ernst, a bill for an act relating to intercepting communications involving human trafficking.

Read first time under Rule 28 and referred to committee on **Judiciary**.

[Senate File 2099](#), by Ernst, a bill for an act relating to certificates of merit and noneconomic damages in medical malpractice actions.

Read first time under Rule 28 and referred to committee on **Judiciary**.

[Senate File 2100](#), by Anderson, a bill for an act permitting the use of crossbows to hunt deer and providing penalties.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

STUDY BILLS RECEIVED

[SSB 3138](#) State Government

Relating to reporting and other requirements concerning the department of administrative services and other state agencies.

[SSB 3139](#) State Government

Relating to the licensure of naturopathic physicians.

[SSB 3140](#) Local Government

Relating to certain state and local government activities related to vehicle registrations and levee and drainage districts.

SUBCOMMITTEE ASSIGNMENTS

[Senate File 26](#)

(Reassigned)

STATE GOVERNMENT: Danielson, Chair; Bertrand and Horn

[Senate File 28](#)

(Reassigned)

STATE GOVERNMENT: Courtney, Chair; Danielson and Smith

[Senate File 47](#)

(Reassigned)

STATE GOVERNMENT: Petersen, Chair; McCoy and Smith

[Senate File 113](#)

(Reassigned)

STATE GOVERNMENT: Petersen, Chair; Feenstra and Sodders

[Senate File 138](#)

STATE GOVERNMENT: Danielson, Chair; Feenstra and Horn

[Senate File 2037](#)

STATE GOVERNMENT: Danielson, Chair; Anderson and Horn

[Senate File 2061](#)

EDUCATION: Hogg, Chair; Johnson and Schoenjahn

[Senate File 2062](#)

EDUCATION: Hogg, Chair; Johnson and Schoenjahn

[Senate File 2068](#)

TRANSPORTATION: McCoy, Chair; Breitbach and Dearden

[Senate File 2076](#)

TRANSPORTATION: Danielson, Chair; Behn and Brase

[Senate File 2081](#)

HUMAN RESOURCES: Jochum, Chair; Boettger and Ragan

[Senate File 2082](#)

HUMAN RESOURCES: Jochum, Chair; Johnson and Ragan

[Senate File 2084](#)

HUMAN RESOURCES: Bolkcom, Chair; Dotzler and Johnson

[SSB 3138](#)

STATE GOVERNMENT: Danielson, Chair; Petersen and Schneider

[SSB 3139](#)

STATE GOVERNMENT: Soddors, Chair; Dearden and Smith

[SSB 3140](#)

LOCAL GOVERNMENT: Brase, Chair; Chelgren and Taylor

FINAL COMMITTEE REPORTS OF BILL ACTION

COMMERCE

Bill Title: *[SENATE FILE 2093 \(SSB 3094\)](#), a bill for an act modifying provisions relating to the regulation of delayed deposit services businesses, providing penalties, and including effective date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: McCoy, Petersen, Anderson, Beall, Breitbach, Chapman, Mathis, Schneider, Schoenjahn, Seng, Sinclair, and Wilhelm. Nays, none. Absent, 3: Bertrand, Bolkcom, and Hatch.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Commerce Committee on [Senate File 2093](#), and they were attached to the committee report.

JUDICIARY

Bill Title: *[SENATE FILE 2091 \(SSB 3082\)](#), a bill for an act relating to common forms of co-ownership of real property and including effective date and applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Hogg, Courtney, Schneider, Boettger, Dvorsky, Garrett, Horn, Petersen, Quirmbach, Soddors, Whitver, and Zaun. Nays, none. Absent, 1: Taylor.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on [Senate File 2091](#), and they were attached to the committee report.

ALSO:

Bill Title: [SENATE FILE 2092 \(SSB 3072\)](#), a bill for an act relating to the criminal offense of fraudulent practice and making penalties applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Hogg, Courtney, Schneider, Boettger, Dvorsky, Garrett, Horn, Petersen, Quirmbach, Soddors, Whitver, and Zaun. Nays, none. Absent, 1: Taylor.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *[SENATE FILE 2095 \(SSB 3073\)](#), a bill for an act authorizing the placement of a child in group or family foster care pursuant to a consent decree entered in juvenile court.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Hogg, Courtney, Schneider, Boettger, Dvorsky, Garrett, Horn, Petersen, Quirnbach, Soddors, Whitver, and Zaun. Nays, none. Absent, 1: Taylor.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on [Senate File 2095](#), and they were attached to the committee report.

RULES AND ADMINISTRATION

Bill Title: [SENATE RESOLUTION 102](#), a resolution honoring the over 200 years of peace, prosperity, and kinship between the peoples of Canada and the United States, and recognizing February 4, 2014, as Canada Day at the Iowa Capitol.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Gronstal, Jochum, Dix, Courtney, Dvorsky, Ernst, Ragan, and Whitver. Nays, none. Absent, 3: Dearden, Rozenboom, and Soddors.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

APPOINTMENTS

The following appointees were submitted to the Secretary of the Senate for Senate confirmation (all appointees are submitted as **members** unless otherwise specified):

BY THE GOVERNORTERM

ENVIRONMENTAL PROTECTION COMMISSION (Sec. 455A.6)

LaQuanda Hoskins, LeClaire

01/24/2014 – 04/30/2017

TRANSPORTATION COMMISSION (Sec. 307.3)

Leonard Boswell, Davis City

01/29/2014 – 04/30/2017

The appointments were referred to the committee on **Rules and Administration**.

**REPORT OF THE COMMITTEE ON
RULES AND ADMINISTRATION**

The committee on Rules and Administration referred the following Governor's appointments to state boards, commissions, and departments to Senate standing committees, as indicated for investigation on February 3, 2014:

NATURAL RESOURCES AND ENVIRONMENT

LaQuanda Hoskins – Environmental Protection Commission

TRANSPORTATION

Leonard Boswell – State Transportation Commission

APPOINTED POSITIONS

The following lists of appointed positions, requiring action pursuant to Iowa Code Section 2.32(7), were submitted to the Secretary of the Senate:

BY THE GOVERNOR

	<u>NUMBER OF POSITIONS</u>
ACCOUNTANCY EXAMINING BOARD	2
COMMISSION ON THE STATUS OF AFRICAN AMERICANS	2
ALCOHOLIC BEVERAGES COMMISSION	1
ALCOHOLIC BEVERAGES DIVISION	1
ARCHITECTURAL EXAMINING BOARD	3
COMMISSION OF ASIAN AND PACIFIC ISLANDER AFFAIRS	3
BOARD OF ATHLETIC TRAINING	3
IOWA AUTISM COUNCIL	4
BOARD OF BARBERING	2
BOARD OF BEHAVIORAL SCIENCE	3

COMMISSION FOR THE BLIND	1
BOILER AND PRESSURE VESSEL BOARD	3
IOWA CAPITAL INVESTMENT BOARD	1
CHILD ADVOCACY BOARD	4
BOARD OF CHIROPRACTIC	3
CITY DEVELOPMENT BOARD	2
COMMISSION ON COMMUNITY ACTION AGENCIES	3
BOARD OF CORRECTIONS	1
BOARD OF COSMETOLOGY ARTS AND SCIENCES	5
CREDIT UNION REVIEW BOARD	1
CRIMINAL AND JUVENILE JUSTICE PLANNING ADVISORY COUNCIL	7
COMMISSION OF DEAF SERVICES	1
BOARD OF DENTISTRY	3
BOARD OF DIETETICS	2
IOWA DRUG POLICY ADVISORY COUNCIL	2
EARLY CHILDHOOD IOWA STATE BOARD	3
ECONOMIC DEVELOPMENT AUTHORITY	4
STATE BOARD OF EDUCATION	4
STATE BOARD OF EDUCATIONAL EXAMINERS	2
ELECTRICAL EXAMINING BOARD	3
ELEVATOR SAFETY BOARD	3
EMPLOYMENT APPEAL BOARD	2
ENGINEERING AND LAND SURVEYING EXAMINING BOARD	4
FLOOD MITIGATION BOARD	2
IOWA GRAIN INDEMNITY FUND BOARD	2
IOWA GREAT PLACES ADVISORY BOARD	4
HEALTHY AND WELL KIDS IN IOWA BOARD (HAWK-I)	2
BOARD OF HEARING AID DISPENSERS	2

HIGHER EDUCATION LOAN AUTHORITY	1
HUMAN SERVICES COUNCIL	1
INTERIOR DESIGN EXAMINING BOARD	2
STATE JUDICIAL NOMINATING COMMISSION	3
LANDSCAPE ARCHITECTURAL EXAMINING BOARD	3
LATINO AFFAIRS COMMISSION	4
LAW ENFORCEMENT ACADEMY COUNCIL	3
IOWA LOTTERY AUTHORITY BOARD OF DIRECTORS	2
BOARD OF MASSAGE THERAPY	4
BOARD OF MEDICINE	4
MENTAL HEALTH AND DISABILITY SERVICES COMMISSION	7
MENTAL HEALTH RISK POOL BOARD	3
BOARD OF MORTUARY SCIENCE	4
COMMISSION OF NATIVE AMERICAN AFFAIRS	1
BOARD OF NURSING	3
BOARD OF NURSING HOME ADMINISTRATORS	2
BOARD OF OPTOMETRY	3
BOARD OF PAROLE	4
PEACE OFFICERS' RETIREMENT ACCIDENT AND DISABILITY SYSTEMS TRUSTEE	1
COMMISSION OF PERSONS WITH DISABILITIES	4
BOARD OF PHARMACY	3
BOARD OF PHYSICAL AND OCCUPATIONAL THERAPY	4
BOARD OF PHYSICIAN ASSISTANTS	2
PLUMBING AND MECHANICAL SYSTEMS BOARD	5
BOARD OF PODIATRY	2
PREVENTION OF DISABILITIES POLICY COUNCIL	2
BOARD OF PSYCHOLOGY	4
PUBLIC EMPLOYMENT RELATIONS BOARD	1

IOWA PUBLIC INFORMATION BOARD	5
STATE RACING AND GAMING COMMISSION	2
REAL ESTATE APPRAISER EXAMINING BOARD	2
REAL ESTATE COMMISSION	4
RENEWABLE FUEL INFRASTRUCTURE BOARD	3
BOARD OF RESPIRATORY CARE	2
SCHOOL BUDGET REVIEW COMMITTEE	1
BOARD OF SIGN LANGUAGE INTERPRETERS AND TRANSLITERATORS	4
BOARD OF SOCIAL WORK	2
BOARD OF SPEECH PATHOLOGY AND AUDIOLOGY	2
COMMISSION ON THE STATUS OF WOMEN	5
TECHNOLOGY ADVISORY COUNCIL	1
IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION	1
COMMISSION ON TOBACCO USE PREVENTION AND CONTROL	3
TRANSPORTATION COMMISSION	2
COMMISSION OF VETERANS AFFAIRS	3
IOWA BOARD OF VETERINARY MEDICINE	2
VISION IOWA BOARD	4
IOWA WORKFORCE DEVELOPMENT BOARD	5

BY THE IOWA STATE RACING AND GAMING COMMISSION

NUMBER OF POSITIONS

IOWA STATE RACING AND GAMING COMMISSION	1
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